

Article - Labor and Employment

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§5-214.

(a) The Commissioner shall grant a hearing, if practicable, within 30 days after receipt of a notice that an employer or employee or representative of an employee submits under § 5-213 of this subtitle.

(b) An employee whom a hearing under this section affects or a representative of the employee may participate as a party in a hearing under this section.

(c) The Commissioner shall give notice and hold a hearing under this subtitle in accordance with Title 10, Subtitle 2 of the State Government Article.

(d) (1) An employer may choose whether a hearing under this section is to be held in:

(i) Baltimore City;

(ii) the county where the violation allegedly occurred, in an office that the county provides; or

(iii) an office that the Commissioner has designated as a regional office.

(2) The employer shall indicate the choice in the request for a hearing.

(e) (1) When the Commissioner appoints a hearing examiner to hold a hearing under this section, the examiner shall prepare a record that includes testimony.

(2) A report that a hearing examiner submits shall become a final order of the Commissioner unless, within 15 work days after submission of the report:

(i) the Commissioner orders a review of the proceeding; or

(ii) an employee, representative of an employee, or employer whom the report affects submits to the Commissioner a written request for a review of the proceeding.

(f) (1) After review of a proceeding under subsection (e) of this section, with or without a hearing, the Commissioner shall pass an order that, on the bases of findings of fact, affirms, modifies, or vacates the citation or proposed penalty or directs other appropriate relief.

(2) An order of the Commissioner under paragraph (1) of this subsection is final 15 days after passage of the order.

(g) After an opportunity for a hearing under this section, the Commissioner may pass an order that affirms or modifies a requirement of a citation for abatement of a violation if an employer shows that the employer:

- (1) made a good faith effort to comply with the requirement; and
- (2) has not complied because of a factor beyond the reasonable control of the employer.

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